

Hearing Date: November 18, 2009 at 10:00 a.m. (prevailing Eastern Time)

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Creditors of Lehman Brothers Holdings Inc., et al.

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11 Case No.
	:	
LEHMAN BROTHERS HOLDINGS INC., <u>et al.</u> ,	:	08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
	:	
-----	X	

**JOINDER OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS  
TO DEBTORS' OBJECTION TO MOTION OF BANESCO BANCO  
UNIVERSAL REQUIRING LEHMAN BROTHERS HOLDINGS INC. TO  
PROVIDE REQUESTED INFORMATION AND TO DEEM CLAIM TO  
BE TIMELY FILED BY THE SECURITIES PROGRAMS BAR DATE**

The Official Committee of Unsecured Creditors (the "Committee") of Lehman Brothers Holdings Inc. ("LBHI") and its affiliated chapter 11 debtors in possession (collectively, the "Debtors") hereby joins (the "Joinder") in the Debtors' Objection [Docket No. 5778] (the "Objection") to Banesco Banco Universal's ("Banesco") motion for entry of an order requiring LBHI to provide requested information and to deem its claim to be timely filed by the Securities Programs Bar Date [Docket No. 5676] (the "Motion"). In support of its Joinder, the Committee respectfully states as follows:

### **BACKGROUND**

1. On July 2, 2009, the Court entered an order that, among other things, established a general bar date of September 22, 2009 (the “General Bar Date”) and a bar date of November 2, 2009 (the “Securities Programs Bar Date”) for claims arising from securities identified on the list of Lehman Program Securities.

2. By the Motion, Banesco seeks information from LBHI in order to determine whether its note (the “Note”) is subject to the General Bar Date or Securities Programs Bar Date. To the extent the Note is not subject to the Securities Programs Bar Date, Banesco seeks to have the Note deemed added to the list of Lehman Program Securities or its claim deemed timely filed under a theory of excusable neglect.

3. On November 10, 2009, the Debtors filed the Objection, arguing that (i) the Note is not on the list of Lehman Program Securities, (ii) the Note was not the type of security that should have been included on the list of Lehman Program Securities (and should therefore not now be added), and (iii) Banesco has not demonstrated excusable neglect.

### **THE COMMITTEE’S JOINDER**

4. The Committee concurs with the arguments set forth in the Objection and, accordingly, files this Joinder in support thereof. As set forth in the Objection, only securities assigned ISIN numbers and cleared through Euroclear or Clearstream (which provide blocking numbers) were included on the final list of Lehman Program Securities. Such numbers are used to identify the securities to which the Lehman Program Securities Procedures apply and are necessary for claims to be filed in accordance with those procedures. The Note, however, was privately-placed and, like many other privately-placed notes, neither assigned an ISIN nor traded using a clearing agent. Allowing the Note to be deemed added to the list of Lehman Program Securities would undermine the Lehman Program Securities Procedures ordered by this Court.

**CONCLUSION**

WHEREFORE, for the reasons set forth in the Objection, the Committee respectfully requests that the Court deny the relief requested in the Motion.

Dated: New York, New York  
November 13, 2009

**MILBANK, TWEED, HADLEY & M<sup>c</sup>CLOY LLP**

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